

1 **TIFFANY & BOSCO**
2 **P.A.**

3 **2525 EAST CAMELBACK ROAD**
4 **THIRD FLOOR**
5 **PHOENIX, ARIZONA 85016**
6 **TELEPHONE: (602) 255-6000**
7 **FACSIMILE: (602) 255-0192**

8 Mark S. Bosco
9 State Bar No. 010167
10 Leonard J. McDonald
11 State Bar No. 014228
12 Attorneys for Movant

13 10-12956

14 **IN THE UNITED STATES BANKRUPTCY COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 IN RE:

No. 2:10-bk-11294-SSC

17 Chris L. Sears and Kathryn G. Sears
18 Debtors.

Chapter 13

19 Wells Fargo Bank, N.A.

MOVANT'S MOTION FOR ADEQUATE
PROTECTION PAYMENT DUE FOR
DECEMBER 15, 2010

20 Movant,
21 vs.

RE: Real Property Located at
16519 N. 69th Avenue,
Peoria, AZ 85382

22 Chris L. Sears and Kathryn G. Sears, Debtors;
23 Russell A. Brown, Trustee.

24 Respondents.

25 Movant hereby requests an Order requiring Debtor to pay adequate protection payment due
26 for December 15, 2010.

This motion is supported by the attached Memorandum of Points and Authorities, which is
incorporated herein by this reference.

DATED this 11th day of March, 2011.

Respectfully submitted,

TIFFANY & BOSCO, P.A.

BY /s/ LJM # 014228

Leonard J. McDonald
Attorney for Movant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Debtor Debtors have certain real property located in Maricopa County, Arizona,
3 more particularly described as:

4 LOT 37, SOMERSET PATIO HOMES, ACCORDING TO BOOK 267 OF MAPS, PAGE
5 6, RECORDS OF MARICOPA COUNTY, ARIZONA

6 2. An Order Regarding Adequate Protection was entered on November 12, 2010,
7 attached hereto as Exhibit "A".

8 3. According to said Order, Debtor was to pay \$1,550.00 per month commencing on
9 November 15, 2010.

10 4. Tiffany & Bosco, PA received a payment in the amount of \$1,550.00 for the
11 November 15, 2010 payment. Neither Tiffany & Bosco, PA nor Movant have received adequate
12 protection payments since.

13 5. An Order Regarding Plan Treatment and to Value the First Lien Encumbering Real
14 Property was granted by the Court on January 13, 2011, attached hereto as Exhibit "B".

15 6. Movant is entitled to the Adequate Protection payment due for December 15, 2011.

16 **CONCLUSION**

17 Movant requests that the court enter an Order requiring Debtor to pay Movant \$1,550.00 for
18 the adequate protection payment due for December 15, 2011.

19 DATED this 11th day of March, 2011.

20 BY /s/ LJM # 014228

21 Leonard J. McDonald
22 2525 East Camelback Road
23 Ste. 300
24 Phoenix, Arizona 85016
25 Attorneys for Movant
26

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FOR THE DISTRICT OF ARIZONA**

IN RE:

Chris L. Sears and Kathryn G. Sears
Debtors.

Wells Fargo Bank, N.A.

Movant,
vs.

Chris L. Sears and Kathryn G. Sears, Debtors;
Russell A. Brown, Trustee.

Respondents.

No. 2:10-bk-11294-SSC

Chapter 13

NOTICE OF FILING MOTION FOR
FOR ADEQUATE PROTECTION PAYMENT
DUE FOR DECEMBER 15, 2010

NOTICE IS HEREBY GIVEN that the above Movant has filed a motion for adequate protection payment due for December 15, 2010.

FURTHER NOTICE IS HEREBY GIVEN that pursuant to Local Bankruptcy Rule 4001 if no objection is filed with the court and a copy served on Movant whose address is:

1 Wells Fargo Bank, N.A.
2 c/o Mark S. Bosco, Esq.
3 2525 East Camelback Road
4 Phoenix, Arizona 85016

5 WITHIN 14 DAYS of service of the motion, the motion for relief from the automatic stay may
6 be granted without further hearing.

7 DATED this 11th day of March, 2011.

8 TIFFANY & BOSCO, P.A.

9 BY /s/ LJM # 014228

10 Leonard J. McDonald
11 Attorney for Movant

12 Copy of the foregoing was
13 mailed March 11, 2011.

14 Chris L. Sears and Kathryn G. Sears
15 22767 West Hopi Street
16 Buckeye, AZ 85326
17 Debtors

18 Nasser U. Abujbarah
19 5785 East Azure Hills
20 Cave Creek, AZ 85331
21 Attorney for Debtors

22 Russell A. Brown
23 3838 N. Central Ave
24 Suite 800
25 Phoenix, AZ 85012-1965
26 Trustee

By: /s/ Heidi S. Nelson

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Chapter 13

PROPOSED ORDER

Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any, and no objection having been received, and good cause appearing therefor,

IT IS HEREBY ORDERED that Debtor is to pay \$1,550.00 for the adequate protection payment due for December 15, 2010.